

Mitigation and Monitoring Plan (MMP) – Fremont Boulevard Widening (PWC8661)

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status / Timing
Air quality management/ air pollution control	<p><u>MM Air-1:</u> The following best management practices shall be included in a dust control plan to limit fugitive dust emissions and noted on the grading and construction plans along with the contact information for a designated crew member responsible for the on-site implementation of the dust control plan:</p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Post a publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 	Civil and General Contractors	City of Fremont Public Works Department and Building Division	Dust control plan to be included in construction plans. Measures shall be implemented during all grading & construction activities.

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Biological Resources	<p>MM Bio-1.1: Pre-Construction Survey. A preconstruction survey shall occur within the two weeks before construction at the private drainage channel. If the western pond turtle is observed in the impact area, a biologist will monitor the construction site for western pond turtles during construction. Construction within the channel will not occur while the western pond turtle is within the impact area. Once the western pond turtle leaves the impact area, construction can resume.</p> <p>MM Bio-1.2: Pre-Construction Survey. Burrowing owls breed from February 1 through August 31. Surveys will be conducted for burrowing owls within the two weeks before construction begins at the private drainage channel, Line F, and the berm along Fremont Boulevard. Since burrowing owls can occur within a burrow at any time of year, preconstruction surveys are not limited to the breeding season. If an owl is observed on-site during that time period, a setback of 200 meters (656 feet) will occur between the owl and construction. Construction can resume between 50 and 200 meters from occupied burrows after the young fledge. After the young fledge and/or from September 1 through January 31, the CDFW will be contacted regarding passively relocating the owls and developing mitigation for them. Mitigation will conform to the guidelines in: Staff Report on Burrowing Owl Mitigation, prepared by the State of California, Natural Resources Agency, Department of Fish and Game, March 7, 2012. The guidelines do not recommend a particular formula for mitigation (unlike the 1995 Staff Report on Burrowing Owl Mitigation), but require consultation with CDFW to develop mitigation that reflects site specific circumstances.</p>	Civil, and/or General Contractors, with consultation from qualified wildlife biologist	City of Fremont Planning Division	Within the two weeks before construction begins.

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Biological Resources	<p>MM Bio-1.3: Pre-Construction Survey. Preconstruction breeding bird surveys will be implemented within the two weeks before construction begins at the private drainage channel, Line F, and the berm along Fremont Boulevard. Line F and the berm will be surveyed for breeding migratory birds only because habitat is absent for saltmarsh common yellowthroat and Alameda song sparrows. The private drainage channel supports habitat for saltmarsh common yellowthroat, Alameda song sparrow, and breeding migratory birds. If the saltmarsh common yellowthroat, Alameda song sparrow, or other breeding migratory birds are observed within 50 feet of the construction area, then a buffer of 50 feet will be established between the nest and construction. This buffer will be maintained until the young fledge. Nevertheless, if construction at the edge of a smaller buffer does not disturb nesting birds, the buffer width will be shortened at the discretion of the monitoring biologist. A biologist will monitor the bird nest weekly during construction prior to fledging. Construction can resume within the buffer after fledging.</p> <p>MM Bio-1.4: Pre-Construction Survey. A preconstruction survey for the salt marsh harvest mouse will occur within the two weeks before construction begins at the private drainage channel. (Habitat is absent and preconstruction surveys are therefore not necessary at Line F.) After the preconstruction survey, a fence or other type of barrier will be installed at the edge of the work area to prevent any salt marsh harvest mice from entering the construction area.</p>	Civil, and/or General Contractors, with consultation from qualified wildlife biologist	City of Fremont Planning Division	Within the two weeks before construction begins.

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Biological Resources	<p>MM Bio-1.5: Wetlands and Waters Mitigation. Mitigation shall entail use of the San Francisco Bay Wetland Mitigation Bank in Redwood City for permanent impacts. This mitigation bank supports salt marsh vegetation and is tidal. Mitigation will conform to agency requirements and would be at a 2:1 ratio and account for both wetlands and other waters due to the requirements of RWQCB. Permanent impacts would be mitigated at a 2:1 ratio at the mitigation bank. Mitigation will therefore be between 0.05 and 0.1 acre of habitat to be acquired at the San Francisco Bay Wetland Mitigation Bank.</p> <p>Temporary impacts to wetlands and waters of the United States shall be mitigated in place at the private drainage channel. Mitigation would include limiting damage to as little of an area as possible. The channel would be accessed at one location to limit effects to hydrophytic vegetation on the bank.</p> <p>Mitigation shall also entail smoothing out any ruts in the bottom of the channel, replanting any wetland species removed or destroyed as part of the bank work, removing any non-native wetland plant species, sowing an erosion control seed mix on the disturbed portions of the bank, and installing erosion control netting to lessen bank erosion, as outlined below:</p> <p><i>Ruts.</i> Ruts shall be smoothed out with heavy equipment from the bank or by using hand tools. The original grade and configuration of the channel will be restored after the completion of any in-channel work.</p> <p><i>Replanting Wetland Plant Species.</i> Pickleweed and salt grass are native wetland (hydrophytic) plant species that grow naturally within the private drainage channel. Any native wetland plant species removed by laying back the banks or working in the channel will be replaced. Jute netting or other natural fiber erosion control netting will be installed on the disturbed area. Nylon mesh will not be used because it can trap birds, snakes, and other animals. Replacement will consist of collecting pickleweed and salt grass plugs from adjacent areas and replanting through the erosion control netting within the disturbed areas. Plugs will be 4 inches in size (or larger) and planted on a 1-foot spacing. Plants will be monitored until established which is anticipated to be approximately 3 years. Yearly reports to the City of Fremont and the agencies will be submitted after yearly monitoring. The performance standards should be: 1) survival of the plantings is to be 80 percent; 2) erosion of the bank should not be occurring (rills should be less than an inch in depth and slumping should be absent).</p>	Civil, and/or General Contractors, with consultation from qualified wildlife biologist	City of Fremont Planning Division	During and at least three years after project construction.

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	<p><i>Removal of Non-native Wetland Plant Species.</i> A non-native marsh rosemary occurs along the private drainage channel. It should be removed by either digging up or use of an appropriate herbicide with a spot-spray methodology to prevent drift to non-target species. The performance standard will be no non-native marsh rosemary growing within the study area at the private drainage channel.</p> <p><i>Erosion Control.</i> Erosion control, consisting of applying a seed mix and netting, will occur on the portion of the banks of the private drainage channel that were laid back. The erosion control seed mix will consist of creeping wildrye (<i>Elymus triticoides</i>) at a rate of 30 pounds of seed per acre and meadow barley (<i>Hordeum brachyantherum</i>) at a rate of 10 pounds of seed per acre. The seed will be applied just before the first heavy rain of fall or winter. Jute or similar type of netting (but not nylon mesh) will be installed over the spread seed.</p> <p>The slopes will be monitored for at least 3 years to ensure the absence of erosion. Reports of the results of the monitoring will be provided to the City of Fremont. Performance criteria will be: 1) plant cover should exceed 50 percent at the end of the third year of monitoring; and 2) erosion of the bank should not be occurring (rills should be less than an inch in depth and slumping should be absent).</p>			

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Cultural Resources	<p>MM Cult-1.1: <u>Discovery of Archaeological Resources.</u> If deposits of prehistoric or historical archaeological materials are discovered during Project activities, all work within 50 feet of the discovery shall be redirected. Project personnel shall not collect or move any archaeological materials. A qualified archaeologist shall be contacted to assess the situation and consult with agencies as appropriate, including the City of Fremont. The archaeologist shall make recommendations for the treatment of the discovery. Adverse effects to archaeological deposits shall be avoided by Project activities, if feasible. If avoidance is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing in the National Register of Historic Places and the California Register of Historical Resources (PRC §21084.1; CEQA Guidelines §15064.5(c)(1)), or whether the deposit qualifies as a “unique archaeological resource” under CEQA. If the deposit is neither eligible for the National or California registers nor a unique archaeological resource, avoidance is not necessary. If the deposit is eligible or qualifies as a unique archaeological resource under CEQA, adverse effects on the deposits must be avoided, or such effects must be mitigated. Mitigation can include, but is not necessarily limited to, excavation of the deposit in accordance with a data recovery plan and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and, if appropriate, accessioning the historic archaeological material and technical report to an archaeological repository. Educational public outreach may also be appropriate. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results of resource evaluation and mitigation efforts. The report shall be submitted to the Northwest Information Center at Sonoma State University.</p>	Contractor	City of Fremont Building and Environmental Services Divisions	During site development work

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Cultural Resources	<p>MM Cult-1.2: <u>Discovery of Human Remains</u>. If human remains are discovered during Project activities, the procedures outlined in Section 7050.5 of the California Health and Safety Code shall be implemented. Work within 50 feet of the discovery shall be redirected and the Alameda County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate, including the City of Fremont Planning Department. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.</p>	Contractor	City of Fremont Building and Environmental Services Divisions	During site development work
Cultural Resources	<p>MM Cult-1.3: <u>Discovery of Paleontological Resources</u>. In the event of the discovery of Paleontological resources during construction or demolition, there shall be no further excavation or disturbance of the site within a 50 foot radius of the location of such discovery until it can be evaluated by a qualified archeologist or paleontologist. Work shall not continue until the archeologist or paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.</p>	Contractor	City of Fremont Building and Environmental Services Divisions	During site development work